

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	10 March 2000
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	dana0039r.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Applicable
Language:	Not Applicable

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Unrestricted.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *dana0039r.jpg* is classified as:
Unrestricted.

The publication shows a semi-naked girl, who looks as if she is removing her top. Some aspects of the publication, such as the child's level of nudity, the fact that the image can be traded, and that it was found in the context of clearly sexual images involving children, suggest a sexual reading. However, others, such as the undetailed nature of the image, and the apparent spontaneity of her position suggest that such a reading is not intended or likely to be taken from it. The context, a bedroom, is consistent with a girl changing, although a sexual context could also be read into the setting. Thus there is ambiguity as to whether or not the image presents the child as sexually attractive or available.

In determining whether or not the publication promotes, supports or tends to promote or support the exploitation of children for sexual purposes, the Classification Office has been guided by a recent decision of the Court of Appeal, which deals with the application of the New Zealand Bill of Rights Act 1990 (NZBR Act) in marginal cases of this kind. The Classification Office has concluded that the publication does not promote or support, or tend to promote or support, the exploitation of children for sexual purposes. The Classification Office is also of the view that while the publication exploits the nudity of children to a limited extent and degree, it is ambiguous as to whether or not the availability of the publication is likely to be injurious to the public good. Given this ambiguity, an unrestricted classification is most consistent with the provisions of the NZBR Act.

OFLC Ref: 9901949